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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 003126

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SUBJECT: TIBETAN REFUGEE UPDATE: NOVEMBER 29

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Classified By: Ambassador James F. Moriarty for reasons 1.4 (b/d).

Summary

¶11. (SBU) On November 27, 28, and 29, RefCoord met with the United Nations High Commissioner for Refugees (UNHCR) Country Representative Abraham Abraham, Office of Tibet Representative Jigme Wangdu, and the Director and Deputy Director of the Government of Nepal's National Unit for the Coordination of Refugee Affairs (NUCRA) to discuss the current state of play regarding the Tibetan community and Tibetans transiting Nepal to India. Our interlocutors noted that, under Nepal's new Citizenship Law approved on November 26, between 1/2 and 1/3 of Tibetans in Nepal might be eligible to apply for Nepali citizenship. The more than 200 Tibetan asylee following-to-join cases pending at Post continue to await travel documents from the Government of Nepal (GON). Home Ministry officials claimed that they were ready to issue travel documents to these individuals, but first required written concurrence from the Ministry of Foreign Affairs. Although the Tibetan community feels somewhat slighted by the USG's offer to resettle 5,000 Tibetans versus 60,000 Bhutanese refugees, the Office of Tibet is willing to consider a joint effort with Bhutanese refugee leaders to lobby the GON for a resettlement program. Tibetans continue to transit Nepal without difficulty, although two recent groups of Tibetans were kept in detention longer than usual.

Tibetan Community in Nepal

¶12. (SBU) Nepal's House of Representatives passed a Citizenship bill on November 26 making all persons residing in Nepal prior to April 13, 1990 eligible for Nepali citizenship. According to Joint Secretary Bhesh Raj Sharma at the Ministry of Law and Justice, Tibetans who were registered as refugees and hold a refugee identity card (RC) are not eligible to apply for citizenship under the new law. However, Sharma claimed that Tibetans who had resided in

Nepal without legal status could apply for citizenship. These individuals must be able to prove that they had lived in Nepal since April 1990, he added, although it was unclear what type of proof would be required. RefCoord shared this information with Jigme Wangdu, who noted that the new law, therefore, would benefit only the Tibetans who were most likely eligible for resettlement abroad. Wangdu queried whether Tibetans would still be able to apply for resettlement if they obtained Nepali citizenship. RefCoord responded that this would be unlikely. Of the total Tibetan population in Nepal, estimated at between 16,000 and 20,000, Wangdu believed that roughly 10,000 currently held RCs. If so, between 1/3 and 1/2 of the Tibetan population in Nepal might be eligible to apply for Nepali citizenship. Wangdu did not appear interested in pursuing this possibility.

¶13. (SBU) Wangdu raised his concern that roughly 200 Tibetans, who were eligible for U.S. immigration benefits, continued to await issuance of travel documents from the Home Ministry. RefCoord raised this issue in a subsequent meeting with NUCRA Director Baman Prasad Neupane and Deputy Director Shanker Koirala, reminding them of U.S. efforts to reunify these Tibetan families and asking what more the Embassy needed to do to effect their departure. Koirala informed RefCoord that the Home Ministry was ready to proceed with the issuance of travel documents, but had not yet received written concurrence from the Ministry of Foreign Affairs (MFA). Koirala, in an aside, requested RefCoord to send a letter to the Foreign Secretary requesting the MFA's written concurrence. Post will follow up with a letter as soon as possible.

¶14. (SBU) When asked about the U.S. offer to resettle 5,000 Tibetans and 60,000 Bhutanese refugees, Wangdu wondered why the U.S. seemed to care more about the Bhutanese refugees than the Tibetan community (septel). RefCoord assured Wangdu

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that was not the case and urged the Office of Tibet to form an alliance with the Bhutanese leaders pushing for resettlement as the two communities could jointly lobby the GON more effectively together. Initially reticent, Wangdu later became convinced that commonalities existed between the two groups and welcomed an introduction with a group of Bhutanese refugee leaders.

¶15. (C) Separately, NUCRA Director Neupane avoided the issue of Tibetan resettlement altogether. Deputy Director Koirala, however, suggested that because Nepal desired to maintain good relations with China, it would be hard-pressed to support a large resettlement program for the Tibetans. He said that if the U.S. could propose small numbers, e.g. 200 at a time, perhaps Nepal could allow them to depart quietly on the basis of humanitarian interest.

Transiting Tibetans

¶16. (SBU) Two groups of Tibetans recently were apprehended near the China-Nepal border: one group of 4 Tibetans on November 13 at the Kodari border and another group of 13 Tibetans on November 25 in Sindupalchowk. Unlike previous instances, the Department of Immigration (DOI) required both groups to report to the DOI detention facility in Kathmandu rather than proceeding directly to the Tibetan Reception Center (TRC) under the protection of UNHCR. Immigration authorities allowed UNHCR access to the Tibetans, but required the first group to remain in detention until their departure to India while the second group was released on "bail" and permitted to stay at the TRC. UNHCR expects the group of 13 Tibetans to depart the evening of November 29.

¶17. (SBU) According to Wangdu, there are currently 303 Tibetans at the reception center awaiting processing and permission to depart for India. Two buses with a total of between 80) 90 Tibetans typically depart each week with an

approximate stay at the TRC of between 3) 4 weeks. Wangdu was pleased that the new facility at the TRC would be opened formally on December 6 and voiced no complaints over the current processing of transiting Tibetans.

Comment

¶8. (C) The first group of recent transiting Tibetans left without difficulty and the second group is expected to leave today. The longer the Tibetans are required to remain in DOI detention without UNHCR protection, the great the potential for Chinese pressure for refoulement. On the positive side, however, the DOI did not impose immigration fines on these two groups -- a frequent problem in past detentions. Chinese Vice Minister Liu Hongcai's November 23 statement that "foreign forces trying to play a role by splitting Tibet in the land of Nepal is unacceptable to China", was a clear warning to the GON not to move forward with the U.S. resettlement offer. This continuing pressure from the PRC dims prospects for a large scale resettlement program. Similarly, with the 200 asylum following-to-join cases still pending, Koirala's suggestion to resettle small groups of Tibetans seems hollow, although we remain hopeful that the 200 individuals may be allowed to leave soon.

MORIARTY